

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHAN ANTHONY,

Plaintiff :
: No. 2:24-cv-337
:

v.

Plaintiff :
: _____

**MICHAEL LEWIS, PHILIP TREADWAY, and
SEAN GERCKEN**

Defendants :
:

NOTICE OF REMOVAL

AND NOW come the Defendants, Cpl Michael Lewis, Trp. Philip Treadway, and Trp. Sean Gercken (collectively, the “Commonwealth Defendants”), by their attorneys, Amelia J. Goodrich, Deputy Attorney General, and Karen M. Romano, Chief Deputy Attorney General, Litigation Section, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove the above-captioned action from the Court of Common Pleas, Butler County to the United States District Court for the Western District of Pennsylvania, and in support thereof aver as follows:

1. Plaintiff commenced this civil action by filing Complaint on or about February 16, 2024, in the Court of Common Pleas, Butler County at docket number AD-2024-10142. A copy of the Complaint if attached hereto as Exhibit A.

2. The Complaint was served upon Commonwealth Defendants on or about February 26, 2024.

3. This Court has original jurisdiction over Plaintiff’s Complaint pursuant to 28 U.S.C. §§ 1331 and 1343. Accordingly, Defendants are entitled to remove the action to this Court pursuant 28 U.S.C. § 1441(a) and (b).

7. This Notice of Removal is being filed within 30 days after receipt of Plaintiff’s

state court complaint by Commonwealth Defendants, as required by 28 U.S.C. § 1446(b).

8. Copies of this Notice of Removal will be duly filed with the Prothonotary of the Court of Common Pleas, Butler County and served upon Plaintiff.

9. In removing this action, the Defendants do not waive their objections to defects in service or improper service, or any defenses, including without limitation, defenses available by virtue of the Eleventh Amendment to the United States Constitution or under the Pennsylvania Sovereign Immunity Act.

10. A jury trial is demanded.

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

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1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222
412.339.2310

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By: /s/ *Amelia J. Goodrich*
AMELIA J. GOODRICH
Deputy Attorney General
Attorney ID 327192

Counsel for Commonwealth Defendants

Date: March 14, 2024

CERTIFICATE OF SERVICE

I, Amelia J. Goodrich, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on March 14, 2024, I caused to be served a true and correct copy of the foregoing document titled Notice of Removal to the Plaintiff's attorney via first class mail, postage prepaid, and email:

VIA EMAIL and U.S. MAIL

Patrick M. Casey, Esquire
101 E. Diamond Street, Suite 221
Butler, PA 16001
pcaseylaw@zoominternet.net

/s/ Amelia J. Goodrich
AMELIA J. GOODRICH
Deputy Attorney General

Office of Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

Date: March 14, 2024